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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY, a Delaware
corporation,

Plaintiff,

vs.

JACLYN R. HAFTER, an individual; J.H., a
minor; G.H., a minor; BRANDON PHILLIPS,
as Trustee of the Jacob Hafter Trust dated April
17, 2018, and THE UNITED STATES OF
AMERICA, acting through the Internal Revenue
Service, and DOES 1-5.,

Defendants.

CASE NO.: 2:18-CV-02161-JAD-PAL

**STIPULATION AND ORDER OF
DISCHARGE IN INTERPLEADER,
DISMISSAL WITH PREJUDICE OF
GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY, AND
CONSOLIDATION**

ECF No. 30

Plaintiff Genworth Life and Annuity Insurance Company (“Genworth”), as the
successor in interest to First Colony Life Insurance and Defendants Jaclyn R. Hafter, J.H., G.H.,
Brandon Phillips as Trustee of the Jacob Hafter Trust dated April 17, 2018, and the United States
of America (“Defendants”) hereby submit the following Stipulation and Order of Discharge in
Interpleader, Dismissal with Prejudice of Genworth Life and Annuity Insurance Company, and
Consolidation in connection with the above-captioned action.

1. On November 13, 2018, Genworth filed its Complaint in Interpleader due to
competing claims and/or interests of the Defendants and the potential for multiple liability with
respect to a death benefit payable under a Term Life Insurance Policy No. 5707187 Genworth
issued to Jacob Hafter (“Policy”) in the amount of \$250,000.00 (“Death Benefit”). ECF No. 2.

2. All Defendants named in this action have been served and have filed their respective Answers to the Complaint in Interpleader. ECF Nos. 7, 15, 20, 25 and 26. Defendants Jaclyn Hafter, Brandon Phillips as Trustee of the Jacob Hafter Trust dated April 17, 2018, and the United States of America have also filed their Claims to the Death Benefit. ECF Nos. 7, 15, and 20.

3. On February 19, 2019, the Court ordered that any stipulation to interplead funds and dismiss Genworth be filed by February 26, 2019. ECF No. 29. The parties, however, could not reach a stipulation on February 26, 2019 and Genworth was preparing to submit a motion to discharge and interplead funds as well as an application for attorneys' fees. Subsequently, the parties have come to an agreement which is set forth herein.

4. Genworth has been and is now prepared to deposit the Death Benefit in the amount of \$250,000.00 into the Court's registry account in accordance with Fed. R. Civ. P. 67 and LR 67-1. This amount represents the Death Benefit payable under the Policy. The parties request that the funds be invested in an interest bearing account established by the Clerk of the Court under LR 67-2(a).

5. Genworth further seeks \$10,000.00 in attorneys' fees and costs incurred in the filing and prosecuting this action. The Parties agree and stipulate that Genworth may deduct \$10,000.00 from the Death Benefit prior to depositing the sum with the Clerk of the Court.

6. Genworth further seeks discharge from any further liability under the Policy and on account of the death of Jacob L. Hafter and a dismissal with prejudice from this action. The parties agree and stipulate to Genworth's discharge and dismissal with prejudice from this action upon deposit of the Death Benefit less \$10,000.00, which represents Genworth's attorneys' fees and costs.

7. The parties agree and stipulate that the Court shall enter an order permitting Genworth to deposit the Death Benefit, less \$10,000.00 to the Clerk of this Court for the Court to deposit into the Court's Registry Account. Deposit shall be made within 20 days of the date of service of the Court's Order. Additionally, the parties request that the Clerk deposit the amount tendered by Genworth into an interest-bearing account until such time as the Court makes its

1 order directing disbursement and distribution of these funds. The parties further request that
2 Genworth be discharged and dismissed from this interpleader action with prejudice upon deposit
3 to the Clerk of this Court.

4 8. The parties further agree and stipulate that Genworth is fully discharged from this
5 action and all Defendants will not commence or prosecute any other action against Genworth for
6 the collection of the Death Benefit or arising out of the subject Policy until further order of the
7 court.

8 9. The parties further agree and stipulate that pursuant to Fed. R. Civ. P. 42 and LR
9 42-1, this action shall be consolidated with *Reliastar Life Insurance Co. v. Jaclyn R. Hafter, et*
10 *al.*, Case No. 2:18-cv-01166-APG-NJK pending in the United States District Court for the
11 District of Nevada as the two cases concern common questions of law and fact.

12 10. Upon consolidation of the actions, the remaining parties intend to submit a joint
13 motion seeking to reschedule and extend the discovery cutoff and pretrial dates for the

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consolidated action for several months.

Dated this 1st day of March, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

SOLOMON DWIGGINS & FREER,
LTD.

By: /s/ Jennifer K. Hostetler

By: /s/ Alexander G. Leveque

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U.S. DEPARTMENT OF JUSTICE

CARY COLT PAYNE, CHTD

By: /s/ Henry C. Darmstadter

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1 **ORDER**

2 Based on the parties' stipulation [ECF No. 30] and good cause appearing, IT IS
3 HEREBY ORDERED that **Genworth has until March 28, 2019, to deposit \$240,000** (the
4 Death Benefit minus Genworth's \$10,000 in fees and costs incurred in this action) with the Clerk
5 of Court for deposit into the Court Registry Investment System.

6 IT IS FURTHER ORDERED that, **once the deposit has been made, Genworth will be**
7 **fully dismissed and discharged from this action** and no defendant herein will commence or
8 prosecute any other action against Genworth for the collection of the Death Benefit or arising out
9 of the subject Policy until further order of the court.

10 IT IS FURTHER ORDERED that the parties' **request to consolidate** the remainder of
11 this action into Case No. 2:18-cv-01166-APG-NJK is **DENIED without prejudice** to the
12 parties' ability to file a proper motion to consolidate in the docket in Case No. 2:18-cv-01166-
13 APG-NJK, and in this case as Local Rule 42-1 requires. Alternatively, the remaining parties to
14 this case (along with the parties in Case No. 2:18-cv-01166-APG-NJK) may file a stipulation to
15 consolidate these matters in the docket in both cases and in the format dictated by Local Rules 7-
16 1 and IA 6-2.

17 Dated: March 11, 2019

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19 U.S. District Judge Jennifer A. Dorsey
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